



# U.S. DEPARTMENT of STATE

## Slovak Republic

### Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 25, 2004

The Slovak Republic is a multiparty parliamentary democracy, led by a prime minister and a 150-member parliament. In September 2002, a reform-oriented government, led by Prime Minister Mikulas Dzurinda, was elected. President Rudolph Schuster serves as head of state and was elected for a 5-year term in the country's first direct presidential elections in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE). The Constitution provides for an independent judiciary; however, corruption and inefficiency were serious problems.

The national police have sole responsibility for internal and border security. With the exception of the Slovak Information Service (SIS), which reports directly to the Prime Minister, all security forces are under the Ministry of the Interior. A parliamentary commission composed of legislators from ruling and opposition parties oversee the SIS. Civilian authorities maintained effective control of the security forces. Some members of the police and SIS forces committed human rights abuses.

The country had a population of approximately 5.4 million and an industrialized market economy. Industry and the banking sector were almost completely privatized. The gross domestic product (GDP) rose 4 percent during the first 9 months of the year. The private sector generated approximately 90 percent of the GDP in the first three quarters. The year-end inflation rate was 9.3 percent. The unemployment rate decreased to less than 15 percent nationwide but approached 30 percent in some regions.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers allegedly beat and abused persons, particularly Roma. The performance of the security forces, particularly the police, continued to improve during the year. Investigation and prosecution of racially motivated crimes improved, although sentences imposed by some judges appeared lenient, leading some nongovernmental organizations (NGOs) to claim that perpetrators were not adequately punished. There were reports of sterilizations that were coerced or without informed consent, particularly of Romani women, which the Government did not promote or approve but did investigate and took some steps to address. Societal violence against women and children remained problems. Skinhead attacks on Roma and other minorities continued. Minorities, particularly Roma, faced considerable societal discrimination. Trafficking in women also remained a problem.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

The case of seven police officers, who were charged with inhuman and degrading treatment in the 2001 death of a Rom while in police custody, was returned to the prosecutors for further investigation. The prosecutor appealed the decision to the Supreme Court. The remaining four officers were released from pretrial detention, while an investigation into the alleged involvement of the mayor of Magnezitovce was reopened after a judgment from the Supreme Court.

A complaint filed by the European Roma Rights Center (ERRC) in the case of a Rom killed during an interrogation in 1999 remained pending before the European Court of Human Rights (ECHR) at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, on occasion, police allegedly beat suspects in custody, primarily Roma.

There continued to be reports of police brutality against Roma (see Section 5). According to Roma legal rights NGOs, Roma were frequently subjected to abusive raids on Romani settlements, the use of excessive force against suspects, and officials' failure to investigate thoroughly crimes against Roma. There were 165 complaints of police brutality reported in the first 6 months of this year, compared with 102 complaints in the same period of 2002. The suspected officers went to trial in only 3 percent of the cases. From October 2002 through June, Minister of the Interior Vladimir Palko dismissed 236 officers, of whom 6 percent left the force for committing physical abuse or threats. A supervisor who witnessed a racially motivated crime and did not act was also released from duty.

Police reportedly used pressure and threats to discourage Roma from pressing charges (see Section 1.d.). There were credible reports that, at times, police contributed to the problem of violence against Roma by not investigating attacks against them in a timely and thorough manner or by coercing Roma not to submit potentially incriminating evidence (see Sections 1.d. and 5).

The Supreme Court ruled early in the year that previous amnesties prevented criminal prosecution of Ivan Lexa, the former SIS director, for the 1995 abduction of the son of former President Michal Kovac; he was released from pretrial detention but charges remained in the death of a key witness in the kidnapping case and for many other crimes.

Prison conditions generally met international standards; however, overcrowding among pre-trial detainees increased from 115 to 128 percent. Men and women were held separately, as were juveniles from adults, and pretrial detainees from convicted criminals.

The Government permitted visits by independent human rights observers. The Slovak Helsinki Committee negotiated a formal agreement with the General Management of Prisons to monitor conditions in all jails holding convicted prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The national police, which has sole responsibility for internal and border security, reports to the Ministry of Interior (MOI). Police operated under severe constraints, including insufficient resources, training, and equipment. Amendments to the Police Act were approved during the year to improve communication and the timeliness of investigations. Improvements, such as the use of cooperating witnesses and reorganization of police ranks, further contributed to accountability and effectiveness. Since September, civil servants have replaced police officers and political appointees in many MOI positions to professionalize the ministry and place more police on the streets. In addition, MOI Minister Vladimir Palko strictly enforced disciplinary measures, and many police officers were forced to resign during the year; several left because of problems with alcohol, corruption, or disorderly conduct.

Human rights observers continued to charge that police investigators were reluctant to take the testimony of witnesses, particularly Roma, regarding skinhead attacks on Roma. They also contended that on occasion, police failed to investigate cases of skinhead violence when the skinheads did not admit to the crime, although they were increasingly responsive in their efforts to monitor and control the skinhead movement (see Section 5). The Police Center for Monitoring Extremist Activities organized raids on meeting places of extremist groups and continued to cooperate on factfinding investigations with NGOs. Lawyers often were reluctant to represent Roma for fear that it would have a negative effect on their law practices.

Some MOI officials stated that police needed to develop different community policing strategies and increase training on human rights and the treatment of victims (see Section 5). The NGO Citizens and Democracy provided training on human rights and advised the police on improving interaction with citizens. The Romani populations living in settlements have very low trust in the police. NGOs complained that police pressured Romani women who brought forward complaints that they were sterilized by threatening to bring countercharges against them (see Section 1.f.). The Ministry of Interior responded to the complaints by forming a specialized investigative team considered more culturally sensitive and led by a woman.

A person accused or suspected of a crime must be given a hearing within 48 hours (or a maximum of 72 hours in serious cases) and either be released or remanded by the court. Detainees have the right to see an attorney immediately and must be notified of this right. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody.

Attorney visits were allowed as frequently as necessary, and consular visits were allowed upon request by a judge. The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. There was a bail system.

Pretrial detention may last up to 6 months; a judge may extend this period to 1 year; a panel of judges may extend the period to 2 years; the Supreme Court may extend the period to 3 years, which occurred in 1.5 percent of all 2002 cases. If a person is deemed to constitute a serious danger to society, the Supreme Court may extend the detention period to a maximum of 5 years. Delays in court procedures and investigations frequently led to lengthy pretrial detentions. In 2002, the average length of pretrial detention in district courts was 100 days and in regional courts 240 days. Prosecutors must release a detainee if the maximum period for detention expires before the date of the trial. In some instances, criminals were released from detention allegedly due to the influence of organized crime elements, personal connections, or bribery of judiciary officials. Illegal migrants may be held up to 6 months for identification purposes in detention facilities (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, problems with corruption and inefficiency in the judiciary continued, despite government efforts to overcome them. According to judicial experts, the first instance courts for both criminal and civil law were ineffective, and judges were severely overburdened by rapidly changing legislation without adequate training.

Many observers credibly alleged that some judges were corrupt. Justice Minister Daniel Lipsic introduced several anti-corruption initiatives and publicly criticized inappropriate decisions and behaviors by court officials, particularly expressing concern about personal connections influencing criminal prosecution at the local and regional levels. In February, Minister Lipsic lodged a complaint against a decision to release on probation Mikulas Cernak, a well-known organized crime figure. Cernak fled to the Czech Republic and was later extradited to serve out the remainder of his sentence. In a similar case, a disciplinary panel ruled in June that the chairman of a regional court should be removed from the bench for procedural errors after he released organized crime figures from pretrial detention.

In September, Parliament overrode a presidential veto to pass an amendment to the Law on Judges, which strengthened the responsibility of judges, introduced severe disciplinary measures, and mandated disclosure of disciplinary decisions and judges' property. Parliament also approved a law on a special prosecutor and court to fight corruption and granted the extended use of undercover operations in investigating corruption charges against politicians and judges.

The court system consists of 55 district courts and 8 regional courts, with the Supreme Court, consisting of 75 judges, as the highest court of appeals. There is a separate Constitutional Court with no ties to the Ministry of Justice that considers constitutional issues. In addition, there is a separate military court system; its decisions may be appealed to the Supreme Court and the Constitutional Court. The Constitution provides that the President appoint the 13 Constitutional Court judges to 12-year terms based upon parliamentary nominations.

The Judicial Council, a constitutionally recognized independent body of lawyers and judges, represents the judiciary and provides decisions regarding disciplinary proceedings, administrative issues, and appointments to the Justice Ministry.

After the Constitutional Court nullified the reelection of former Supreme Court President Stefan Harabin in December 2002, the Judicial Council elected Milan Karabin as the new Supreme Court President in September. Although the prosecutor cancelled an investigation into Harabin's alleged corrupt activities, a fellow Supreme Court justice filed two criminal charges against Harabin for abuse of power. The investigation resulted in no new charges.

Under the law, persons charged with criminal offenses are entitled to fair and open public trials, although in practice observers stated that corruption among judges could infringe on a person's right to a fair trial. Individuals have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. However, a defendant, unless handicapped or a minor, is not guaranteed free representation during a trial if the maximum criminal sentence is less than 5 years. Defendants enjoy a presumption of innocence, have the right to refuse to incriminate themselves, and may appeal any adverse judgment. According to existing legislation, suspects are also presumed innocent during the appeal process. Occasionally, judges were required to release defendants from prison because they did not have a complete trial within the 3-year time limit. In 2002, the average length of trial detention in district court was 141 days and in regional courts 375 days.

Credible sources stated that it was difficult for indigent citizens and marginalized groups, such as minorities and persons with disabilities, to obtain non-criminal legal representation. Plaintiffs are required to pay a court fee of 5 percent of possible damages in advance. The fee is returned if the case is won, and the presiding judge may waive the advance payment. The Ministry of Justice stated that 30,000 citizens took advantage of a free legal and counseling and basic legal orientation service that it offered in 7 cities for 5 hours each week. The Slovak Bar Association may ask lawyers to accept indigent cases under certain conditions but identified only 8 out of 150 requests that met their criteria.

There were no reports of political prisoners. In July, Parliament approved \$7 million (86 million SKK) to compensate former political prisoners under the communist regime, with individual payments ranging from \$650 (20,750 SKK) to \$2,220 (83,740 SKK), depending on the total time incarcerated; over 4,000 persons applied for remuneration.

In October, Parliament approved a law on property restitution providing citizens a second opportunity to apply for the return of land confiscated by the state between 1948 and 1990. The citizenship requirement was criticized for violating international standards on restitution. The Central Union of Jewish Religious Communities in the Slovak Republic (UZZNO) stated that up to 30 percent of the unclaimed land might have been confiscated from Jewish owners between 1938 and 1945 and sought monetary compensation from the state.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, at times, the authorities infringed on these rights in practice. The Criminal Code requires police to obtain a search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, with few exceptions. Police must present the warrant before conducting the search or within 24 hours afterwards. Some Romani activists alleged that occasionally local police entered Romani homes without a search warrant. This was reportedly most common in the eastern part of the country.

The law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted by order of a regional court judge. A prosecutor may order a wiretap in an emergency, in which case a judge must give a ruling within 24 hours about the admissibility of any evidence collected. Emergency situations include serious premeditated crimes, corruption, or crimes involving international treaty obligations or misuse of power.

Military investigators looking into the 2002 wiretapping complaint of Pavol Rusko, chairman of the political party Alliance of New Citizens (ANO), themselves complained of intimidation and surveillance by the SIS throughout the investigation. In July, the underlying case was closed for lack of evidence and then reopened after these allegations arose. The military investigator concluded that the wiretap targeted a major national newspaper rather than the political leader (see section 2.a.).

In January, the NGO Poradna and the Center for Reproductive Rights released a study that allegedly documented over 100 cases of coerced or forced sterilizations of Romani women, many dating back to the 1980s (see Section 4). Police investigators completed a criminal investigation in October that identified two cases in which minors were sterilized without proper parental consent; however, the criminal investigation found these cases to be violations of administrative procedure rather than criminal offenses. The Ministry of Health also completed an independent

investigation, but found no evidence to support the charges of coerced or forced sterilizations.

International and local human rights groups, including Human Rights Watch, the ERRC, the International Helsinki Federation for Human Rights, and the Slovak Helsinki Commission, found the claims of the Romani women to be credible and questioned the findings of the Government's investigation. They noted particularly the investigation's failure to determine whether the consent to be sterilized was informed and government officials reaching hasty conclusions before investigating all relevant allegations. In October, the Council of Europe's (COE's) Commissioner for Human Rights concluded that an intimidating atmosphere created by law enforcement officials threatening victims with countercharges during the criminal investigation made it "unlikely" that the Government's investigation "would shed full light on the sterilization practices."

Regulations governing the consent of a patient were ill-defined and "informed consent" had not been included into statutory law. Inspectors from the COE investigating these allegations concluded "it can reasonably be assumed that Romani women in Slovakia were sterilized without their informed consent."

In November, the Government adopted a resolution ordering reforms recommended by the COE and NGOs to strengthen patients' rights. At year's end, the Health Ministry was preparing a new amendment to the law on health care, clarifying regulations on sterilization and reproductive rights and implementing the principle of free and informed consent into all practices. Pilot projects began to train Romani health assistants and open new gynecological facilities in areas with compact Romani populations during the year.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, including academic freedom, and the Government generally respected these rights in practice.

The media generally was free and uncensored, and individuals reported that they were able to criticize the Government without fear of reprisal. Independent newspapers and magazines regularly published a wide range of opinion and news articles that were distributed nationwide.

Three boards appointed by a majority vote of Parliament supervised radio and television broadcasting, established broadcasting policy for state-owned television and radio, issued broadcast licenses, and administered advertising laws and other regulations. The European Journalism Center recently noted that the appointment process subjected the boards to undue political influence. In March, the Antitrust Office ruled in favor of a private news agency, the Slovak Press Agency (SITA), in its complaint that the state-funded TASR news agency was acting in a noncompetitive manner. Observers believed that these boards and the state funded information service should be restructured to secure their independence from the Government and political parties.

ANO's chairman and Minister of Economy, Pavol Rusko, continued to influence Markiza's editorial policies despite having divested his ownership interest.

In April, Parliament repealed a controversial section in the Penal Code that allowed public officials to press criminal charges for defamation, which ended an ongoing case against a journalist.

Journalists were generally free from harassment or intimidation; however, several news and international organizations, including the International Press Institute (IPI) and the International Federation of Journalists, expressed concern about reports that the SIS illegally tapped the communications of one of the leading news dailies, SME. In July, the Chief Military Prosecutor announced that SIS agents had tapped phones illegally at SME and that military investigators had their own phones tapped. A military prosecutor charged three officers of the SIS with abusing the powers of public authority, and the investigation remained pending at year's end.

In August, a member of the Defense and Security Parliamentary Committee released information that Prime Minister Dzurinda named members of the press, including well-known editor Milan Simecka from the daily SME, as co-conspirators in a group seeking to destabilize the state. This case remained under investigation at year's end.

The Government did not limit access to the Internet or restrict academic freedom.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No official state religion exists; however, the Catholic Church, the dominant faith in terms of membership, received significant state subsidies.

Registration of churches is not required, but, under existing law, only registered churches and religious organizations had the explicit right to conduct public worship services and other activities. However, no religions were banned or discouraged by the authorities in practice. Government subsidies for clergy and office expenses were provided in a nondiscriminatory way to registered religions that sought it. The law provides that funding is based on the number of clergy, not the number of adherents, with the result that some religions with fewer members received more funding than those with more.

To register, a religious group must submit a list of 20,000 permanent residents who adhere to that religion. Leaders of a number of minority religious communities, in particular Muslims, smaller Protestant churches, the Hare Krishna community, and the Church of Scientology, complained about the numerical requirement, which effectively barred them from obtaining registered status.

The Government monitored, although it did not interfere with, religious "cults" and "sects." The Ministry of Interior monitored the Church of Scientology and its members. Some Scientologists complained of harassment by the SIS.

Anti-Semitism persisted among some elements of the population. Despite protests by the Federation of Jewish Communities, the Slovak National Party (SNS) and Matica Slovenska (an official cultural organization not supported politically by the Government) continued efforts to rehabilitate the historical reputation of Jozef Tiso, leader of the Nazi-collaborationist wartime Slovak State. An SIS list of persons allegedly harming the country's interests, which was leaked to the press in mid-year, identified individuals as Jewish. The media and politicians criticized the practice of categorizing citizens by religious affiliation.

Anti-Semitism was manifested occasionally in incidents of violence and vandalism. Incidents of desecration and vandalism of Jewish cemeteries by skinheads continued, and authorities responded promptly and appropriately. In January, a Jewish cemetery in Banovce nad Bebravou was desecrated, and 35 tombs were destroyed. Some of the vandals were immediately taken into custody and received suspended sentences of 4 to 7 months in prison and a fine of up to \$4,230 (135,000 SKK) because they were minors. In late October, vandals damaged tombstones at the Jewish cemeteries in Nove Mesto nad Vahom, Puchov, and Humenne. The vandalism caused irreversible damage at the Humenne cemetery, which is listed as a national cultural monument. In one instance, police were able quickly to catch the perpetrators, but the other investigations remained pending at year's end.

In July, the Government approved an agreement pursuant to the 2001 framework treaty with the Vatican, obliging students to take either a religion or an ethics class at the elementary level.

Some property restitution cases remained unresolved. However, in July, the Government and the UZZNO concluded negotiations on compensation of \$22.2 million (707 million SKK) for heirless property owned by Jewish families before the Holocaust.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27863pf.htm).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, there were some limits on these rights for Roma.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local officials refused to give registration documents to Roma citizens, which in turn prevented them from receiving social benefits and housing (see Section 5).

The numbers of Roma seeking asylum in European countries decreased from previous years, although the Czech Republic reported an increase in both Romani asylum seekers and illegal migrants from the country. The Czech and Slovak governments formed a committee in October to study increased migration and its effects. Many human

rights organizations claimed that asylum seekers migrated due to the lack of available economic opportunities in the country; however, one Slovak Rom received asylum in a European Union (EU) country after successive skinhead attacks.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement but did not routinely grant refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The law provides for "tolerated residence"--temporary protection--which allows refugees to remain in the country for a designated period of time if their lives would be threatened by a forced return to their home country. The Government occasionally adopted specific resolutions in response to a crisis, allowing for the temporary acceptance of refugees who did not wish to enter the asylum process.

According to National Migration Office statistics, through November, 7 persons received asylum out of a total of 8,991 applications. Out of all applications reviewed from the beginning of the year, 8,951 cases were terminated because asylum seekers disappeared from refugee camps or left the country.

In July, a task force was convened to review the country's asylum system, with broad membership that included the UNHCR, the International Organization of Migration (IOM), the Alien and Border Police, the Slovak Helsinki Committee, the Ministry of Interior, and the Migration Office.

Illegal migrants may be held up to 6 months for identification purposes in detention facilities (see Section 1.d.), but many illegal entrants simply applied for asylum and were released. NGOs contracted by the UNHCR periodically monitored detention facilities and offered legal counsel. After detainees applied for asylum, the Government transferred them to a quarantined refugee reception center for 30 days and then to longer-stay refugee centers; however, many asylum-seekers left the country before completing the application procedure. The refugee centers offer benefits such as meals, pocket money, schooling for children, and language classes for adults.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. All citizens over the age of 18 were eligible to vote by secret ballot; however, there was no system of absentee voting for those outside of the country during elections. The Constitution reserves certain powers for the President as chief of state (directly elected by citizens), but executive power largely rests with the Prime Minister. Legislative power is vested in the Parliament. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The head of Government was Prime Minister Mikulas Dzurinda, who took office for a second term in 2002. The country was a multiparty, multiethnic parliamentary democracy. The Government did not restrict the functioning of political opponents, including their right to publicize political opinions.

The OSCE declared the most recent national elections, held in September 2002, to be free and fair.

There were 29 women parliamentarians in the 150-member Parliament; however, there were no women in the cabinet. There were 604 women among the 2,618 candidates in the parliamentary elections (23.1 percent), of whom 4.8 percent were elected. Of the country's 2,915 mayors, 428 (15 percent) were women.

The ethnic Hungarian minority party won 20 seats in Parliament in the 2002 election and was well represented in the Government. The Slovak Hungarian Coalition (SMK) chairman served as a deputy speaker in Parliament. The SMK also controlled three ministries and held the deputy prime ministership for Nationalities, Human Rights, and European Integration. Many political parties promised to place Roma on their candidate lists; however, only five received positions on a total of three lists, and none was elected to Parliament. Some ethnic Romani parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, and the Government was generally cooperative and responsive to their views; however, the Deputy Prime Minister for Nationalities, Human Rights and European Integration threatened to pursue criminal charges against the authors of a human rights report regarding coerced sterilizations of Slovak Romani women (see Section 1.f.). The Government later withdrew the threat to prosecute the authors. During their investigation into the authors' allegations, the police asked the authors to reveal the names of the women used in their research, and they refused. Other researchers encountered problems accessing medical records in hospitals to collect information for criminal or civil proceedings.

The law requires foundations to register and to have substantial financial resources in order to operate; however, no organization was denied registration or faced any other limitations on its operations.

Parliament amended the law on the Slovak National Center for Human Rights, which sponsored conferences, released publications, and received a \$225,700 (7.2 million SKK) budget allocation in 2002. The law established a board of trustees and empowered the Supreme Audit Office to audit the accounts of the center. The former director refused any government oversight, claiming that it would interfere with the independence of the center. The President, Speaker of the Parliament, the Ombudsman for Human Rights, the Ministry of Labor, and the Prime Minister may each appoint one board member based on recommendations of NGOs; law school deans may appoint four other board members. A new director was elected; however, the former director lodged a complaint at the Constitutional Court and blocked access to the Center's building on a number of occasions.

The country's first Human Rights Ombudsman was elected in 2002. The law provides that the Ombudsman should assist in protecting the fundamental rights and freedoms in cases where public administration bodies have violated the law. The Ombudsman has a budget of approximately \$72,000 (2.3 million SKK) and publishes an annual report of activities. Between the creation of the office and March, the Ombudsman had received 2,061 complaints; however, many of these were outside the office's jurisdiction. In four cases, the office found violations of rights: One instance for the right of education and three for court delays. In comments on the country's second periodic report, the Committee for Human Rights welcomed new legislation protecting human rights, recommended more crisis centers for victims of domestic violence, and recommended that police harassment and racist attacks against the Roma minority be addressed (see Section 5). The Committee also stated that more information about the activities of the Ombudsman was needed. The NGO Citizen and Democracy also criticized the Ombudsman, stating that communication with the public was poor.

The well-developed NGO sector and international organizations in the country did not report any undue government inference or obstructive laws.

Inspectors from the COE investigated allegations of forced sterilization of women (see Section 1.f.).

## Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination and provides for the equality of all citizens; however, enforcement of the law was inconsistent, and some minority groups reported that their members often received no government assistance with complaints about discrimination. The Romani minority, immigrants, and homosexuals were victims of societal violence. In some cases, police were found to be unwilling to investigate them fully (see Sections 1.c. and 1.d.).

### Women

The Criminal Code specifically prohibits rape, sexual abuse, domestic violence, and trafficking in women. Police treated spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses. Some activists claimed that more specialists working with women and child victims were needed, particularly with increasing caseloads. There were 418 cases of violence reported in the first 6 months of the year, 8 times the rate reported in 2000. Police estimated that two-thirds of female rape victims failed to report their cases. In January, new domestic violence laws that strengthen victims' rights took effect. The law expands the definition of possible perpetrators of domestic violence to include people other than spouses, defines specific acts of violence that are prosecutable, and increases sentences for perpetrators. NGOs continued to advocate an additional amendment that would permit police physically to remove and ban the offender from the victim's place of residence. As supported by the U.N. Committee for Human Rights in its response to the country's second periodic report, NGOs continued to press for more funding and space in safe houses for victims of domestic violence (see section 4).

Prostitution is legal; however, the Criminal Code prohibits activities related to prostitution such as renting apartments for prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of



prostitution. Trafficking in women was a problem (see Section 6.f.).

There were reports of coerced or forced sterilization, particularly of Romani women (see Sections 1.f. and 4).

Women are equal under the law. They have the same rights as men to property and inheritance; however, discrimination against women remained a problem in practice. According to studies, women earned approximately 30 percent less than men; experts claimed that this was due to large numbers of women working in low-paid occupations, such as the education or social services sectors.

The Gender Center for Equal Treatment of Men and Women, an independent NGO that cooperated with the U.N. Development Program and the Government, dealt primarily with claims of unfair treatment of women in the workplace but also focused on mobilization and job creation for women.

#### Children

The Government was committed to children's rights and welfare; it maintained a system of public education and health care. The Ministry of Labor oversaw implementation of the Government's programs for children. The Constitution, the Law on Education, and the Labor Code each addressed part of the issue of children's rights. There also was a system of financial assistance for families with children. Education was universal, free, and compulsory for 9 years, or until the age of 15; parents may be prosecuted for not sending their children to school. The Ministry of Education states that primary school enrollment was nearly 100 percent. While most ethnic Slovak and Hungarian children attended school on a regular basis, a high percentage of Romani children failed to attend school regularly.

Child abuse remained a problem and was underreported. Experts from various state institutions dealing with child abuse claimed that there were significant discrepancies between official figures on violence against children and the actual situation. Among the most frequent crimes committed against children were sexual abuse, beatings, and nonpayment of child support. In October, the media reported that over the previous 6 months, six children died as a result of physical abuse.

UNICEF operated a hotline for children, which assisted in approximately 12,000 calls during the year. Most of the calls came from girls between the ages of 11 to 14 and were about family relations, problems with relationships, or sexuality. The project funding came primarily from domestic foundations and grants. Several foundations supported educational campaigns and projects for abused or disabled children.

Child prostitution is not addressed specifically in the Criminal Code but is covered by more general provisions in the law. The Penal Code contains a provision outlawing child pornography. As of October, there were 13 cases related to child pornography: 5 of production, 6 of dissemination, and 2 of possession.

Activists claimed that children were increasingly born into poverty and that this phenomenon affected the Romani minority in particular. It has resulted in an increased number of Romani children being abandoned, either at the hospital, immediately after birth, or during infancy. These children became wards of the state and were sent to orphanages. Roma constituted the majority of the population in state institutions for children.

#### Persons with Disabilities

The Constitution and law provide for health protection and special working conditions for persons with mental and physical disabilities, including special protection in employment relations and special assistance in training. The Law on Employment Services, passed during the year, provides for the creation of sheltered workplaces (where a certain percentage of jobs are set aside for persons with disabilities) and the employment of special assistants. The law also prohibits discrimination against persons with physical disabilities in employment, education, and the provision of other state services; however, experts reported that accessibility of premises and access to education, particularly higher education, remained a problem.

Several new government initiatives for persons with disabilities were implemented during the year, including three laws governing construction with handicap access that came into effect and included sanctions for violations. An NGO dealing with persons with disabilities stated that pressure from a number of NGOs and the cooperation of the Government resulted in improved accessibility, particularly regarding new construction and public buildings. The Ministry of Transportation purchased a number of buses, which were accessible for persons with disabilities. A Council for Citizens with Disabilities served as a governmental advisory body regarding persons with disabilities.

The 2002 election of a member of the Association of Organizations of Disabled People to Parliament highlighted the situation of persons with disabilities and helped to reverse the communist-era attitude that such persons should be hidden from view. The Parliament building underwent reconstruction to improve access.

#### National/Racial/Ethnic Minorities

The Constitution provides minorities with the right to develop their own culture, learn and be educated in their mother tongue, use their language in official communication, and participate in the administration of public affairs related to them.

Police investigated the nationalist political party SNS, which employed strongly nationalist rhetoric, for its use of discriminatory images in 2002 campaign commercials. Authorities closed with no criminal charges the investigation of former SNS deputy Vitazoslav Moric, who, at a press conference nearly 3 years ago, stated that Roma should live on reservations. Another controversial SNS leader, Jan Slota, publicly stated that the Government should offer Roma \$627 (20,000 SKK) to undergo sterilization.

In March, the Army district law court charged two army officers with spreading racial hatred after making racist public statements at a conference on minorities in society. The officers each received 2 months in jail and a fine of \$157 (5,000 SKK.)

Skinhead violence against Roma continued to be a serious problem. The NGO People Against Racism reported that although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted (see Section 1.d.). They also reported that the skinhead movement continued to grow and became more organized. They estimated that there were approximately 500 to 800 skinheads and 3,000 to 5,000 skinhead sympathizers. They also stated that skinheads had been targeting members of other ethnic and national groups as well as Roma.

A special police unit to monitor extremist activities has operated at the police presidium since 2002, and there was one regional advisor for the Bratislava region. The police recorded 113 cases of racially motivated crime and reported solving 73 cases. Roma were the most frequent targets of these attacks. The police arrested 24 skinheads, including one of the major neo-Nazi organizers, at a large meeting. This monitoring unit and its NGO advisory board strengthened police capabilities to identify neo-Nazi members and be more informed about their activities.

In 2002, a Romani family fled the country following repeated physical and verbal attacks by skinheads, including a serious assault on the father at the Zilina railroad station. The family, which had been attacked in their home by skinheads who killed the mother in 2000, continued to be targeted even after the original assailants had been convicted. The family received asylum abroad during the year.

The investigation was closed and no perpetrators were charged for a February 2002 attack by 15 unknown men on residents in the village of Ganovce; the attack injured numerous Roma. The case was taken to the European Court of Human Rights.

In September, seven masked men reportedly beat several Roma in Zahorske Ves on their property. In December, there were reports of another attack on several more victims in which three homes were set on fire.

Discrimination against minorities, particularly Roma, continued in the spheres of education, healthcare, and employment. Members of the Romani minority were victims of societal violence and frequently were unable to seek adequate reparation through the justice system. Activists also claimed that Roma received lengthier jail sentences than the majority population for comparable offenses.

In 2001, the country ratified the European Charter on the Use of Minority Languages to protect minority rights. The law provides that in municipalities with a minority that constitutes at least 20 percent of the population, the minority language is an official language. Thirty additional municipalities were added to the list during the year; however, NGOs reported that language laws had conflicting provisions and that low public awareness about the laws sometimes led to improper implementation. Hungarian is an official language in nearly 500 towns, Romany in 53, Ruthenian in 91, Ukrainian in 6, and German in 1 village.

In May, the Government approved the creation of a 24-member government advisory council for national minorities and ethnic groups, which includes 7 Hungarians, 3 Roma, and government officials.

There were complaints that the media failed to represent minorities in a balanced manner. The Ministry of Culture continued to provide money for cultural activities and media in minority languages, in addition to cultural and educational activities. However, financial difficulties continued as a growing number of publications competed for funds. Organizations also stated that finding advertisers for minority publications, particularly Romani, was difficult.

Roma constituted the second largest ethnic minority, reported by the 2001 census to number 90,000, although experts estimated the population to be up to 375,000 (nearly 7 percent of the population). NGOs maintained that Roma continued to be reluctant to identify themselves as Roma because they feared discrimination.

There were reports of coerced or forced sterilizations, particularly of Romani women, which the Government investigated (see Sections 1.f. and 4).

Several anti-discrimination public awareness campaigns occurred throughout the year sponsored by the EU and the Office of the Government; however, public perception of minorities remained very negative. According to a newspaper survey, 50 percent claimed that they did not want to have a Romani neighbor; a 2001 study by the Institute for Public Questions and UNDP reported that 70.9 percent of the majority population believed that relations with Roma were to some degree conflict-ridden or unpleasant, while only 31.5 percent of Roma held the same view.

There were several reports that Roma were discriminated against in the health care system. Two COE reports issued during the year recommended improvements in the healthcare system to ensure equal access to services. The mortality rate for Romani children was three times that of the majority population, and the life expectancy for Roma was lower by almost 17 years. Allegations of segregated hospital wards and that Roma were more likely to be sterilized continued. The Ministry of Health denied charges of discrimination or segregation in health care.

Many NGOs alleged that segregation in schools continued. Roma children were disproportionately placed in special schools for the mentally handicapped, in many cases only due to their insufficient knowledge of the Slovak language.

The Government enacted a 10-year strategy for the development of Roma, which included elements of positive discrimination or affirmative action.

The Government's Plenipotentiary for Roma Communities, with a budget of approximately \$1.57 million (50 million SKK) supervises social workers, provides project funds for infrastructure development, and cooperates with municipalities and villages to improve interaction between Roma and non-Roma. NGOs claimed that the lack of a statutory basis limited the office's authority. In December, the Government approved changes to the organizational structure that included the creation of several new offices with increased staff and regional presence under the direction of the Plenipotentiary with an operations budget funded by both the Government and the EU.

In October, the Government approved the founding of a Hungarian university in Southern Slovakia, where most Hungarians reside. Hungarians were considered disadvantaged in higher education opportunities, since approximately 2 percent of ethnic Hungarians in the country attended university, compared with 4.8 percent of Slovaks.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right to form and join unions, except in the armed forces, and workers exercised this right. Approximately 30 percent of the work force was unionized, with 600,000 trade union members registered. Unions were independent of the Government and political parties; however, they continued to lobby those entities in order to gain support for union positions on key labor issues. In July, a new labor code acceptable to both employers and employees became effective.

The Law on Citizens' Associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

Unions were free to form or join federations or confederations and to affiliate with and participate in international

bodies, and they did so in practice.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize. The Slovak Trade Unions Confederation (KOZ) includes nearly 90 percent of all trade unions in the country. Unions may leave KOZ at any time.

The law provides for collective bargaining. The KOZ was an active partner in the tripartite process, which also included representatives of employers and the Government.

The Constitution provides for the right to strike and specifies two types of strikes: When no agreement is reached while bargaining or to support the demands of other employees on strike (solidarity strike). A solidarity strike requires the affirmative vote of a majority of those voting, with at least 50 percent of eligible employees voting. A strike and the list of members on the strike committee must be announced in advance. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes; however, if a strike is not considered official, strikers are not ensured protection.

There were several national strikes during the year. In May, the Customs Directorate closed border crossings for 4 hours to protest delays in tripartite talks, and in June, teachers held a 1-day strike to draw attention to their low wages. In January, railroad workers went on strike to protest the reduction of local routes and proposed lay-offs. The Bratislava District Court issued an injunction to halt the 3-day strike until the lawsuit initiated by the Government on whether the strike was legal could be evaluated. In October, a regional court ruled in favor of the railway trade union's appeal. The strike was not rescheduled.

The law regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

#### c. Prohibition of Forced or Bonded Labor

Both the Constitution and the Employment Act prohibit forced or bonded labor, including by children; however, there were reports of trafficking of women (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace, which were effectively implemented and enforced, and problems with child labor were nearly nonexistent.

Although the minimum age for employment is 15, children under 15 may perform light work in cultural or artistic performances, so long as the work does not affect their health, safety, or schooling. Children under 16 are not allowed to work underground or perform work that is inappropriate for their age or health. Children under 15 may not work more than 30 hours per week, and children under the age of 16 are limited to 33 hours per week. Conditions and protections for children between the ages of 16 and 18 are less stringent. The law that relates to child labor applies to all sectors of employment; however, the more stringent regulations apply only to certain sectors. For example, the minimum age for mining was 21. The revised labor code requires that the National Labor Inspector's Office approve employment of children younger than 15 in artistic professions, including modeling and acting.

The country had adequate laws and regulations for the implementation and enforcement of measures to prohibit the worst forms of child labor. Civil fines were the legal remedy available to government agencies. A first offender may be fined up to \$15,674 (500,000 SKK), while a repeat offender may be required to pay up to \$22,989 (1 million SKK). The enforcement remedies have proven adequate to deter violation to date. The country has established formal institutional mechanisms to investigate and address complaints relating to allegations of child labor. Child labor complaints were received and investigated by district inspection units. The National Labor Inspectorate inspected 35 percent of all registered companies and reported no case of illegal child labor. The Inspectorate maintained a database of working children ages 14 to 17, who have an approval to work, in occupations such as models or other artistic trades. Upon receipt of a complaint, an inspector visited the worksite and inspected the contract. If it was determined that a child labor law or regulation had been broken, the case was turned over to the national inspection unit of the Ministry of Labor.

#### e. Acceptable Conditions of Work

The minimum wage was \$191 (6,080 SKK) per month and \$1.09 (35 SKK) per hour, which alone did not provide a decent standard of living for a worker and family in many areas of the country. A May amendment to the Labor Code reduced the maximum weekly work hours from 58 to 48 (including overtime), permits workers to hold multiple jobs, and allows employers to hire part-time workers for up to 20 hours per week. The new labor law stipulates a maximum of 400 hours annual overtime, pending agreement between the employee and the employer. The trade unions, the Ministry of Labor, and local employment offices monitored observance of these laws, and authorities effectively enforced them.

The Labor Code establishes health and safety standards that the Office of Labor Safety generally enforced effectively. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

#### f. Trafficking in Persons

The law specifically prohibits all forms of trafficking in persons; however, there were instances of trafficking in women for prostitution from and within the country.

The Law Against Trafficking in Persons provides that an individual involved in the trafficking of persons can receive a sentence of 3 to 10 years. However, if the offender is a member of a crime syndicate, the sentence is 12 to 15 years. As of the end of October, the police had investigated 28 cases involving trafficking. Police did not keep statistics on victims of trafficking and described difficulties in identifying the total number of victims, since many were unwilling to come forward or cooperate with police.

During the year, police, with assistance from German police, arrested seven members of a trafficking gang from the southwestern part of the country. According to a press report, police suspected the involvement of a low-level government employee. Over the course of 8 years, the gang procured at least 60 young women, some of whom claimed to be sold for \$255 (10,000 SKK) abroad. The traffickers lured some victims into prostitution by promising a good salary or debt forgiveness, and others were forced through violence. The women were sent to Germany, Poland, Switzerland, and France. The head of the gang was previously prosecuted for sex trafficking in France and had been banned from the EU for 5 years. In total, the gang made an estimated profit of \$156,740 (5 million SKK).

Throughout the year, police succeeded in breaking trafficking rings and clamping down on illegal prostitution. On one occasion, the vice president of the police stated that traffickers used violence to confine women in apartments, where they beat them and forced them to take drugs. In March, police charged and issued international warrants for 10 people, 1 of whom was a Slovak woman who managed erotic clubs abroad. In July, Salzburg police arrested traffickers whose victims in part came from, or were trafficked through, the country. The accused Austrians paid approximately \$1,309 (41,760 SKK) for Slovak women and in turn forced them to pay for their transportation.

A police sexual crimes and trafficking unit, staffed by six senior police officers, coordinates nationwide the investigation of trafficking in persons. The office cooperated with local NGOs and the International Organization for Migration (IOM). U.N. Office for Drug Control and Crime Prevention's technical cooperation project seeks to improve legal enforcement and strengthen international cooperation. Police received training to identify and handle cases of victims of trafficking.

The Criminal and Financial Police Administration and the IOM reported that the country was an origin and transit point for victims of trafficking. The major trafficking routes for Slovak victims are through the Czech Republic or Austria to Western Europe but also to Japan. Victims, who usually traveled by car or plane, were typically between the age of 18 and 25 from various social backgrounds but particularly from areas with a high unemployment rate. Another high-risk group included men and women who looked for work abroad, sometimes illegally, and were ill-informed of the potential risks.

Experts believed that victims may work in the country for a short period of time before being transferred to Western Europe. Activists who worked with the few victims in the country said that most victims were forced to work as prostitutes or dancers in exotic clubs. To assure compliance of the victims, their documents were taken, and their captors closely monitored them. According to women's groups, women--mostly Ukrainians and Russians--were lured to the country with offers of possible employment. Although some victims came knowing they would work in the sex industry, they are not aware that they would be denied their freedoms upon arrival.

The Act on Protection of Witnesses and the Act on Compensation of Damages allows the Government to assist victims of trafficking. There was a special unit for the protection of witnesses within the Police Presidium, and an inter-ministerial committee may authorize protection. Deportation of foreigners may be postponed if a person is in the witness protection program. NGOs and the IOM reported that victims feared returning to their home countries because of the stigma attached to trafficking victims. According to NGO activists, government agencies such as customs and police officers treated victims poorly, as many law enforcement officials believed that victims were not forced, but rather chose their fate.

There were no national organizations in the country focused solely on the issue of trafficking. However, local organizations successfully repatriated victims of trafficking and carried out public awareness campaigns on regional and municipal levels. In mid-year, the NGO Victim Support Slovakia started a hotline for trafficking victims and those seeking work abroad. A public awareness campaign significantly increased the hotline's call volume, and, from May to June, the organization handled 400 calls, several of which were inquiries about organizations offering work abroad. Victim Support Slovakia assisted one trafficking victim returned from Spain. The Government cooperated with the NGO Dafne to provide counseling services for victims in the northern part of the country.

An IOM survey revealed a general lack of awareness among the public and in the school system about trafficking and the need to strengthen victim assistance. The IOM launched a public awareness campaign with television announcements and information packets about working abroad. According to an IOM study, 44 percent of the young women surveyed would accept an offer of illegal work abroad.